



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,685	03/07/2002	Shin Chai Mark Lin	2002P03667 US	3816

7590 03/08/2005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT PAPER NUMBER

2643

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/092,685
Filing Date: March 07, 2002
Appellant(s): LIN, SHIN CHAI MARK

MAILED

MAR 07 2005

Technology Center 2600

Joel Miller
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 13, 2004.

A statement identifying the real party in interest is contained in the brief.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,678,386

Robinson et al

01-2004

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,5-6, and 9-10 are rejected under 35 U.S.C. 102(e). This rejection is set forth in the prior Office Action, mailed on May 14, 2004.

Regarding claims 1, 5-6, and 9-10, Robinson teaches a modular assembly for a hearing instrument comprising: a faceplate (10), a battery door (101, 140) in the faceplate; and an electrical programming contact assembly (200-220, 300-340; fig. 2-4) partially affixed to the faceplate and generally adjacent and conforming to the battery door.

Regarding claim 2, Robinson teaches the faceplate comprises a generally rectangular opening; and a battery door resides within the generally rectangular opening (fig. 1).

Allowable Subject Matter

Claims 3-4, 7-8, and 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(11) *Response to Argument*

Art Unit: 2643

With respect to the Appellant's arguments that the Robinson reference does not disclose, teach or suggest an electrical programming contact assembly, "generally adjacent and conforming to the battery door" as presented in claims 1 and 5.

Robinson does show the electrical ... contact assembly (200-220, 300-340, figs. 2-4) *generally* adjacent and conforming to the battery door by showing for example in figures 2-3, the contact assembly portions (300-340) clearly touching the battery door portion (101, 140) as depicted below.

With respect to the Appellant's arguments that the Robinson reference does not disclose, teach or suggest an electrical programming contact, "generally adjacent and conforming to the battery door" as presented in claims 9.

Robinson does teach the electrical contact (300-340) *generally* adjacent and conforming to the battery door by showing for example in figures 2-3, the contact portions (300-340) clearly touching the battery door portion (101, 140) as depicted below.

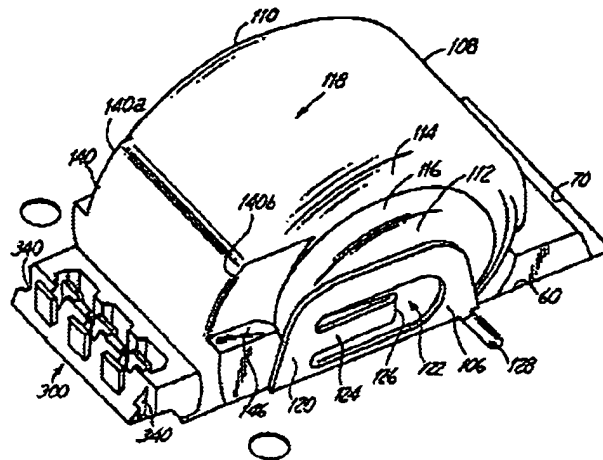


FIG. 3

With respect to the Appellant's arguments that the Robinson reference does not disclose, teach or suggest a contact [electrical programming contact assembly] affixed to the faceplate.

Robinson teaches the slot 220 of the faceplate 10 is used to hold [affix] the contacts (300-340, figs. 2-4) to the faceplate (col. 4 lines 59-60).

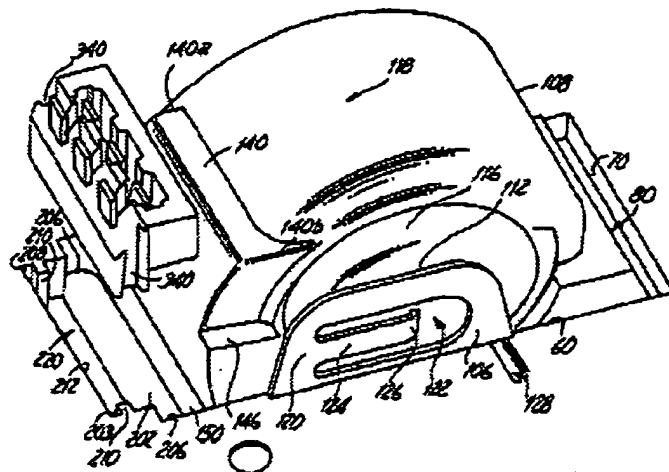
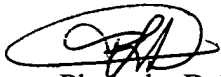


FIG. 2

For the above reasons, it is believed that the rejections should be sustained.

Art. Unit: 2643

Respectfully submitted,



Phylesha Dabney
February 7, 2005

Conferees
Huyen Le
Primary Examiner



HUYEN LE
PRIMARY EXAMINER

Curtis Kuntz
Supervisory Patent Examiner



CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830